

REMARKS

In response to the Office Action dated April 11, 2005, applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claim Status

Claims 1-4, 7-10, 13-15, 19-27, 29-35, 38-39, and 41-54 are pending and stand rejected. Claims 1, 3, 4, 7, 9, 10, 13-15, 19-27, 29-31, 33-35, 38, 39, and 41-54 stand rejected under 35 U.S.C. § 102 as being allegedly unpatentable over U.S. Patent Publication No. 2001/0054087 by Flom et al., hereinafter "Flom." Claims 2 and 8 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Flom in view of U.S. Patent No. 6,347,281 to Litzsinger et al., hereinafter "Litzsinger." Claim 32 stands rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Flom in view of U.S. Patent Publication No. 2003/0050081 by Huber et al., hereinafter "Huber."

Claims 1, 7, 15, 23, 26, 27, 34, 39, 43, and 45 have been amended. No new matter has been added. The amendments find support in the specification as originally filed at least in the claims as originally filed and at Fig. 1.

Applicant respectfully traverses the grounds for rejection and requests reconsideration and withdrawal of the rejections of claims 1-4, 7-10, 13-15, 19-27, 29-35, 38-39, and 41-54 in view of the following.

Rejections Under 35 U.S.C. § 102 and 103

Independent claims 1, 7, and 34

Independent claims 1, 7, and 34 each include features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely as represented by claim 1:

1. (Currently Amended) An apparatus for accessing a computer application via a wireless communication network, the apparatus comprising:
 - a global positioning device that receives signals from a global positioning system; and
 - a two-way wireless communication device in communication with the global positioning device;

a processor in communication with the global positioning device and in communication with the two-way wireless communication device; and
a user interface in communication with the processor;
*wherein the processor determines the location of the global positioning device, receives an indication of a service request from the user interface, formats the service request indication into an e-mail message for communication over a wireless network, appends the location of the global positioning device to the e-mail message, wherein the e-mail message includes **one of a keyword and a number that is mapped to a particular service**, and causes the e-mail message to be sent over the wireless network via the two-way wireless communication device. (emphasis added)*

Claims 1, 7, and 34 are directed to various aspects of communication with a wireless device via an e-mail message that includes one of a keyword and a number that is mapped to a particular service.

The cited sections of Flom do not disclose or suggest an e-mail message that includes one of a keyword and a number that is mapped to a particular service, as recited by the claims. Regarding a keyword, the examiner cites to paragraph [0058] of Flom, but this paragraph does not disclose or suggest a keyword mapped to a particular service. Regarding a number, the examiner cites to paragraph [0037] (which mentions a menu) and contends that “‘menu’ may prefer as a number.” For anticipation, however, Flom must explicitly or inherently disclose an e-mail message including one of a keyword and a number that is mapped to a particular service. What a menu may or may not prefer is irrelevant to anticipation.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of independent claims 1, 7, and 34. Additionally, inasmuch as dependent claims 2-4, 8-10, 13, 14, 35, and 38 (which have also been rejected) are dependent on claims 1, 7, or 34, these claims are patentable over the cited reference, at least by virtue of their dependency. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-4, 7-10, 13, 14, 34, 35, and 38 under 35 U.S.C. § 102 and/or 103.

Independent claims 15, 23, 26, 27, 39, 43, and 45

Independent claims 15, 23, 26, 27, 39, 43, and 45 each include features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely as represented by claim 15:

15. (Currently Amended) A method for providing server access to a wireless communication device that communicates over a wireless network, comprising:
receiving an e-mail message from a wireless network, the e-mail message containing a service request indication and a location indication, the location indication indicating the location of the wireless communication device;
parsing the service request indication and the location indication from the e-mail message;
determining a service request based upon the service request indication;
determining, from a plurality of application servers, a server capable of servicing the service request;
requesting the service from the server;
receiving a reply from the server in response to requesting the service, the reply being based on the service request and location indication;
formatting the reply as a second e-mail message for communication over the wireless network; and
sending the formatted second e-mail reply message to the wireless communication device. (emphasis added)

Claims 15, 23, 26, 27, 39, 43, and 45 are directed to various aspects of communication with a wireless device via an e-mail message that includes determining, from a plurality of application servers, a server capable of servicing the service request.

Flom does not disclose or suggest determining, from a plurality of application servers, a server capable of servicing the service request, as recited by the claims. In contrast, Flom only discloses a single content manufacturing system 90 (Flom Fig 1). Thus, Flom does not disclose application servers (or even a single application server) and understandably does not disclose or suggest determining, from a plurality of application servers, a server capable of servicing the service request.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of independent claims 15, 23, 26, 27, 39, 43, and 45. Additionally, inasmuch as dependent claims 19-22, 24-25, 29, 41-42, and 44 (which have also been rejected) are dependent on claims 15, 23, 26, 27, 39, 43, or 45, these claims are patentable over the cited reference, at least by virtue of their dependency.

Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 15, 19-27, 29, 39, 41-45 under 35 U.S.C. § 102 and/or 103.

Independent claims 30

Independent claim 30 includes features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely:

30. (Previously Presented) A method of providing services to wireless communication apparatus users comprising:
receiving an e-mail message that contains a request for a service and the location of the wireless communication apparatus;
providing the service requested; and
charging a fee for the service provided. (emphasis added)

Claim 30 is directed to providing services to wireless communication apparatus users including charging a fee for the service provided.

The cited sections of Flom do not disclose or suggest charging a fee for the service provided, as recited by the claims. The examiner cites to “authentication” in paragraph [0034] and “receipt” in paragraph [0065], but neither of these cites refers to charging a fee. Paragraph [0034] refers to authentication in a security context and paragraph [0065] refers to receipt in the context of a purchase of something. These paragraphs do not disclose or suggest charging a fee for providing a service to a wireless communication apparatus user.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of independent claim 30. Additionally, inasmuch as dependent claims 31-33 (which have also been rejected) are dependent on claim 30, these claims are patentable over the cited reference, at least by virtue of their dependency. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 30-33 under 35 U.S.C. § 102 and/or 103.

Dependent claims 46 and 52

Dependent claims 46 and 52 each include features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely as represented by claim 46:

46. (Previously Presented) The apparatus as recited in claim 1, wherein the service request indication is in a ***natural language representation***. (emphasis added)

The cited sections of Flom do not appear to disclose or suggest a service request indication in a natural language representation, as recited by the claims. Applicant has reviewed the large number of paragraphs (about a page worth) cited by the examiner, but cannot find a reference to a natural language representation. If the examiner maintains the rejection, applicant respectfully requests a more precise citation to better understand the examiner's position.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of dependent claims 46 and 52. Thus, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 46 and 52 under 35 U.S.C. § 102 and/or 103.

Dependent claim 47

Dependent claim 47 includes features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely:

47. (Previously Presented) The apparatus as recited in claim 1, wherein the processor inserts a ***delimiter*** between the service request indication and the location of the global positioning device. (emphasis added)

Flom does not appear to disclose or suggest a ***delimiter*** between the service request indication and the location of the global positioning device, as recited by the claims. Applicant has reviewed the entire specification because the examiner has not cited any particular portion of Flom, but cannot find a reference to a delimiter. If the examiner maintains the rejection, applicant respectfully requests a more precise citation to better understand the examiner's position.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of dependent claim 47. Thus, applicant respectfully requests reconsideration and withdrawal of the rejections of claim 47 under 35 U.S.C. § 102 and/or 103.

Dependent claims 48 and 53

Dependent claims 48 and 53 each include features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely as represented by claim 48:

48. (Previously Presented) The apparatus as recited in claim 1, wherein the e-mail message includes a **keyword** that is mapped to a particular service. (emphasis added)

The cited sections of Flom do not disclose or suggest an e-mail message that includes a keyword that is mapped to a particular service, as recited by the claims. The examiner cites to paragraph [0058] of Flom, but this paragraph does not disclose or suggest a keyword mapped to a particular service.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of dependent claims 48 and 53. Thus, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 48 and 53 under 35 U.S.C. § 102 and/or 103.

Dependent claims 49 and 54

Dependent claims 49 and 54 each include features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely as represented by claim 49:

49. (Previously Presented) The apparatus as recited in claim 1, wherein the e-mail message includes a **number** that is mapped to a particular service. (emphasis added)

The cited sections of Flom do not disclose or suggest an e-mail message that includes a number that is mapped to a particular service, as recited by the claims. The cited sections of Flom do not disclose or suggest an e-mail message that includes a number that is mapped to a particular service, as recited by the claims. The examiner cites to paragraph [0037] (which mentions a menu) and contends that “‘menu’ may prefer as a number.” For anticipation, however, Flom must explicitly or inherently disclose an e-mail message including one of a keyword and a number that is mapped to a particular service. What a menu may or may not prefer is irrelevant to anticipation.

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PROCEDURE PURSUANT TO
37 CFR § 1.116**

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of dependent claims 48 and 53. Thus, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 48 and 53 under 35 U.S.C. § 102 and/or 103.

Conclusion

For all the foregoing reasons, applicant respectfully submits that the present application is now in condition for allowance. Reconsideration of the Office Action and an early Notice of Allowance are respectfully requested. In the event that the examiner cannot allow the present application for any reason, the examiner is encouraged to contact the undersigned attorney, Raymond N. Scott Jr. at (215) 564-8951, to discuss resolution of any remaining issues.

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